

Remarks

This Amendment is in response to the Office Action mailed December 7, 1999. In the Office Action, the Examiner rejected (i) claims 1, 7, 14, 15, 22-26, and 31-35 under 35 U.S.C. §112, second paragraph, and (ii) claims 1-13, 14, 16-21, 27-30, and 36-38 under 35 U.S.C. §103 (a). In response, Applicants have amended claims 1, 7, 14-16, 21-22, and 31. Reconsideration of the pending claims respectfully requested.

I. Rejection Under 35 U.S.C. § 112

In the Office Action, the Examiner rejected claims 1, 7, 14, 15, 22-26, and 31-35 under 35 U.S.C. §112, second paragraph. In response, Applicants have amended claims 1, 7, 14 and the respective dependent claims accordingly.

Therefore, Applicants respectfully request the rejection under 35 U.S.C. § 112 be withdrawn.

II. Rejection Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,796,952 issued to Davis (“Davis”) in view of U.S. Patent No. 5,423,043 issued to Fitzpatrick et al. (“Fitzpatrick”). The Examiner also rejected claims 14, 16-21, 27-30, and 36-38 under 35 U.S.C. §103 as being unpatentable over Davis. Applicants respectfully traverse the rejection for the following reasons.

Davis discloses that user profiles, which are stored in a database, are used to determine which content to download to the user logical expression. The Examiner agrees that both Davis and Fitzpatrick fail to disclose using a “rulebook” for transmitting content to a target computer. However, the Examiner takes Official Notice and contends that it would have been obvious to

one of the ordinary skill in the art at the time of the applicant invention to instantiate the logical expression taught by Davis within a “rulebook”. However, the Examiner fails to provide a link between the logical expression taught by Davis to the rulebook.

The Examiner agrees that Davis fails to disclose a triggering agent. Fitzpatrick discloses a system wherein an agent is provided to monitor, build, maintain, and recall links based on prior actions and user choice (Fitzpatrick, Col. 2, lines 27-32). The Examiner contends that the agent may act continuously to record actions and build links passively or on demand based on user specific user signal such as a trigger. However, the triggering agent in the present invention is used to determine whether or not more user information is needed in order for the content provider to verify an identification code or a baseline profile for a user.

Davis, Fitzpatrick, either taken alone or in combination, do not disclose or render obvious the use of a rulebook to **automatically being varied** according to user information or a triggering agent that can determine whether or not more user information is needed for the content provider. These aspects of the invention are supported in the specification on page 12 (lines 23-25), page 13 (lines 4-9), page 11 (lines 9-12), Figure 3 (steps 316 and 320) and is recited in part in amended claims 1, 7, and 14 as follows.

“... the rule book generating a user specific rule, the user specific rule
automatically being varied according to additional user information;
... a triggering agent to determine if further user information is needed
to allow the content provider to verify an identification code and a baseline
profile for a user.” (amended claim 1)

“...generating a user specific rule by the rule book, the user specific
rule **automatically being varied** according to additional user information;

... determining if further user information is needed to allow the content provider to verify an identification (ID) code and a baseline profile for a user by a triggering agent." (amended claim 7)

"...a rulebook to select data to be transmitted to the target computer according to the user profile, the rule book generating a user specific rule, the user specific rule **automatically being varied** according to additional user information." (amended claim 14)

In view of the remarks above, applicants respectfully request that the Examiner withdraw the rejection of claims 1, 7, 14, 15, 22-26, and 31-35 under 35 U.S.C. §112, second paragraph, and (ii) claims 1-13, 14, 16-21, 27-30, and 36-38 under 35 U.S.C. §103 (a). Applicants further request that claims 1, 7, 14-16, 21-22 and 31 be amended as proposed to more particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that pending claims 1-38 are in condition for allowance, and such action is respectfully solicited.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

THINH V. NGUYEN
Reg. No. 342,034

Dated: March 7, 2000

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
(714) 557-3800

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on: March 7, 2000.

Pat Sullivan

3/7/00